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Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No:_____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2001

FRANK H. WILSON -- PETITIONER, pro se

VS.

JERRY RUST,et al. - RESPONDENT (S)

On Petition For Writ Of Certiorari
To The United States Court Of Appeals For
The District of Columbia Circuit

PETITION FOR WRIT OF CERTIORARI

Frank H. Wilson
62 Thicket Street
Irvine, CA. 92614
949-786-4182

73 pp

QUESTIONS PRESENTED

I. Was Petitioner, Frank H. Wilson, deprived of his constitutional right that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

II. Was Petitioner, Frank H. Wilson, deprived of his constitutional right by the following companies WAPA, Pacific Corp., Tri-State and Basin Electric who were issues rights-of-away by BML (with a rental fee) who refuse to do business with a black owned company.

III. Was Petitioner, Frank H. Wilson, deprived of his constitutional right that the Dept. of Energy and Dept. of Interior having a contract with WAPA, Pacific Corp., Tri-State and Basin Electric who refuse to do business with a black owned company.

IV. Was Petitioner, Frank H. Wilson, deprived of his constitutional right that all citizens of the United States shall have same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

V. Was Petitioner, Frank H. Wilson, deprived his constitutional right when the following department said they had no jurisdiction Public Service Commission, Dept. of Energy, FERC, State of Wyoming, Attorney General for the State Wyoming, U.S. Dept. of Justice, Dept. of Interior and Dept. of Labor.

VI. Was Petitioner, Frank H. Wilson, deprived his constitutional right when the Dept. of Energy (WAPA) gave a white company Mr. Bill Young 307-379-2563 a Firm Transmission and refused to give me Firm Transmission Service.

VII. Was Petitioner, Frank H. Wilson, deprived his constitutional right when the following companies WAPA, Pacific Corp., Tri-State, and Basin Electric refuse to do business with a black owned company under PURPA Law of 1978, Title 43 Public Lands, Title VI Civil Rights Act, Executive Order 11,246 and Executive Order 11,063.

VIII. Was Petitioner, Frank H. Wilson, deprived his constitutional right when he report to the Justice Department that Mitsubishi had a copy of my business plan and refused to return it and the Justice Department did not address this problem.

IX. Was Petitioner, Frank H. Wilson, deprived his constitutional right under the Equal Protection when unable to get a contract.

X. Was Petitioner, Frank H. Wilson, deprived his constitutional right when Pacific Corp., Tri-State, WAPA, and Basin Electric Power refused to deal in this misuse of monopoly power.

XI. Was Petitioner, Frank H. Wilson, deprived of his constitutional right when the General Land Office agent wanted him to get President Permit.

XII. Was Petitioner, Frank H. Wilson, deprived of his constitutional right when Bonneville Power Administration and the Dept. of Energy had increase the amount of money it pay for Federal assistance in May, 2000, to Pacific Corp. and they were aware that Pacific Corp. would not do business with him.

XIII. Was Petitioner, Frank H. Wilson, deprived of his constitutional right when the Civil Rights Act of 1871... It was intended to create "a species of tort liability" in favor of person deprived of federally secured rights...

XIV. Was Petitioner, Frank H. Wilson, deprived of his constitutional right that no person shall …deny to any person within its jurisdiction the equal protection of the laws.

XV. Was Petitioner, Frank H. Wilson, deprived of his constitutional right that all person…shall have the same right… to the full and equal benefit of all laws.

XVI. Was Petitioner, Frank H. Wilson, deprived of his constitutional right when the Dept. of Energy and FERC order utility companies out of the state of California to sell to California and did nothing in my behalf.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgement is the subject of this petition is as follows:

Respondent
1.Pacific Corp.
Mr. Jerry Rust
825 N.E. Multnom
Portland, Oregon 97232

Respondent
2.Basin Electric Power
Mr. Ted Humann
1717 E. Interstate Ave.
Bismarck, N.D. 58501

Respondent
3.Tri-State
Ms. Mary Ballard
1100 West 16th Ave.
Westminster, Colo. 80234

Respondent
4.Mitsubishi International
Mr. Katsuhiko Kobayashi
50 California Street
San Francisco, CA. 94111

Respondent
5.Dept. of Energy (WAPA)
Mr. Mark Silverman
P.O. Box 3402
Golden, Colo. 80401

Respondent
6. Bonneville Power Admin.
Ms. Roxanne Freeman
P.O. Box 3621
Portland, Oregon 97208

Respondent
7. Dept. of Energy
Mr. Bill Richardson
1000 Independence Ave. S.W.
Washington, D.C. 20855

Respondent
8. Governor Office
Governor Bush
P.O. Box 12428
Austin, TX. 78711

Respondent
9. Texas General Land
Mr. Ned Polk
1700 North Congress
Austin, TX. 78701

Respondent
10.Pacific Corp.
Mr. Harry Whiteny
825 N.E. Multnom
Portland, Oregon 97232

Respondent
11.Tri-State
Mr. James Selby
1100 West 116th Ave.
Westminster, Colo. 80234

Respondent
12.Bureau of Land Mgt.
Mr. Asghar Shariff
P.O. Box 670
Rawlins, Wyoming 82301

Respondent
13.Texas General Land
Mr. Garry Mauro
1700 North Congress
Austin, TX. 78701

Respondent
14.Public Land & Farm Land
Mr. Dave W. Force
122 West 25th Street
Cheyenne, Wyoming 82002

Respondent
15.Dept. of Economic
Mr. John Goodier
122 West 25th Street
Cheyenne, Wyoming 82002

Respondent
16. Office of Governor
Mr. Jim Geringer
State Capitol
Cheyenne, Wyoming 82002

Respondent
17.Office of Attorney General
Ms. Carrol S. Verosky
123 Capitol Building
Cheyenne, Wyoming 82002

Respondent
18.Texnatural Resource
Mr. Geoffrey S. Conner
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Austin, Texas 78711

Respondent
19.Governor Office
Mr. Jorge Garces
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Austin, TX. 78711

Respondent
20.Governor Office
Mr. Alberto Gonzales
P.O. Box 13697
Austin, TX. 78711

Respondent
21.Governor Office
Mr. Tobin Harvey
P.O. Box 12428
Austin, TX. 78711

Respondent
22.Mr. Pete Gallego
P.O. Box 2910
Austin, TX. 78768

Respondent
23.Mr. Joe Valenzuela
P.O. Box 2910
Austin, TX. 78768

Respondent
24.Mr. Arturo Lopez
P.O. Box 2910
Austin, TX. 78768

Respondent
25. Pacific Corp.
Mr. Rod Taylor
P.O. Box720
Casper, Wyoming 82602

Respondent
26. FERC
Mr. Steve Rothman
888 First Street N.E.
Washington D.C. 20426

Respondent
27.OER
Mr. Shelton Cannon
888 First Street N.E.
Washington, D.C. 20426

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PETITION FOR WRIT OF CERTIORARI

Petitioner, Frank H. Wilson, respectfully prays that a writ of certiorari issue to review the judgment below.

OPINION BELOW ENTERED IN THE CASE

Frank H. Wilson v. Jerry Rust, et al., unpublished slip op., U.S. Court of Appeals District of Columbia Circuit, No.00-5323, dated 06-14-2001.

Copy in Appendix B.

Frank H. Wilson v. Jerry Rust, et al., unpublished slip op., District Court for the District of Columbia, No.00-1971 (TPJ), dated 08-18-2000.

Copy in Appendix A

JURISDICTION

The judgment sought to be reviewed was filed on 02-23-2001. A Petition for Rehearing En Banc was Denied on 06-14-2001. This Supreme Court of the United States has jurisdiction under 28 U.S.C. 1254 (a) to review on Writ of Certiorari the judgment sought to be reviewed of the United States Court of Appeals for the District of Columbia Circuit. This petition is being filed within 90 days after entry of the judgment denying the Petition for Rehearing as provided by Supreme Court Rule 13.

STATEMENT OF THE CASE

The year was 1985. I wanted to build a Wind Farm and Combine Cycle power plant in the s state of Wyoming. I went to the following utilities: Pacific Corp., Basin Electric Power, Dept. of Energy WAPA, and Tri-State. They refused to give me a firm power purchase agreement or wheeling contract. I had three out of state utilities who wanted to buy the power. Some of these utilities gave out contracts to white owned companies. (Mr. Bill Young 307-379-2563) (It appears that they broke the PURPA law of 1978 state public utility companies are required to purchase electricity, Title VI Civil Rights Act of 1964, Title 43-Public Land Part 27.1, Executive Order 11, 246, 11,063, 12,067, 12,086 prohibiting Discrimination).

Public utility companies are natural monopolies created by the economic force of high threshold capital requirements and virtually unlimited economy of scale. Refusals to Deal:The Supreme Court found illegal monopolization because Kodak had refused to deal in pursuance of a purpose to monopolize. Sherman Act: Section. Address improperly restrictive agreements. Section 2. examines the creation or misuse of monopoly power through wrongfully exclusionary means.

Federal Trade Commission Act: Section 5. unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce are hereby declared unlawful. The Antitrust Division Mr. Joel L. Klein said that the review done not indicate that the antitrust laws have been violated.

I went to the state of Wyoming asking for help. I wrote the Governor and the Attorney General. They wrote said, they were not going to do anything. To my surprise they were letting one of the utilities to use State land.

Open-Access Rule. In Order No. 888-A, the Commission explained that: A QF arrangement for the receipt of Real Power Loss Service or ancillary services from the transmission provider or third party for the purpose of completing a transmission transaction is not a sale-for-resale of power by a QF transmission customer that would violate our QF rules. (My 1988 Docket No: QF 88-333 from FERC) (My 1991 Docket No: QF 91-189 from FERC).

My next step, I went to the Federal Government for help

I wrote the Department of Energy and FERC. They said it was not in their jurisdiction. The Department of Energy and FERC ordered utilities to sell power to California in their power shortage. The Department of Energy and FERC did not order the Pacific Corp., WAPA, Tri-State and Basin Electric to purchase power or transport Power on my behalf. It appears that the Dept. of Energy and FERC did not follow the Federal Tort Claim Act.

I faxed a letter to Congressman Chris Cox about my problem. He did not respond. It appears that Congressman Chris Cox has not done his fiduciary duty by not responding to my letter to him. I wrote Mitsubishi and sent them a business plan. They refused to return the business plan. Pacific Corp., Basin Electric Power, Dept. of Energy WAPA, and Tri-State have transmission lines on Federal land. When they did not give me a contract it appears they broke the following: Title 43 Public Land, Title VI of the Civil Rights Act of 1964, PURPA of 1978, Executive 11,246,11,063, 12,067, 12,086, Sherman Act Section1 & 2, Federal Trade Commission Act Section 5., Federal Tort Claim Act, 42 U.S.C. 1981 Contract Rights.

42 U.S.C. 1983 and Bivens Action. (See Appendix E)

I tried to put a Power Plant on State land in Texas. They told me to send them my plan. I sent my drawing and then wanted me to get a President Permit. I wrote the following Governor Bush, Mr. Jorge Garcia, Mr. Garry Mauro, Mr. Alberto Gonzales, Mr. Tobin Harvey, and Mr. Pete Gallego. They did not respond to my fax letter to them. A summons was send to all of them. They failed to respond within the twenty day limit. It appears that the individuals in Texas did not do their fiduciary duty by not responding to my fax letter to them and failed to respond to a summon within 20 days. (See Appendix D)

In Order No. 69, adopting regulations for the implementation of PURPA, the Commission indicated that the (simultaneous buy sell) rule would be applicable to both qualifying small power production facilities and qualifying cogenerations, and again noted that avoided cost rates would normally only be available for new capacity.

The Commission, in its brief to the United States Court of Appeals for the District of Columbia Circuit defending Order No. 69, also illustrated the validity of its simultaneous buy-sell rule with reference to a cogeneration example.

AmericanElectric Power Corp. et al

v. FERC, Docket No. 80-1789, May 15, 1981, Brief at 52.

The District Court and Appeal Court failed to address why the Petitioner, Frank H. Wilson was being excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being excluded by the following companies WAPA, Pacific Corp., Tri-State and Basin Electric who were issues right-of-way by BML (with a rental fee) who refuse to do business with a black owned company.

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being excluded by the following Companies WAPA, Pacific Corp., Tri-State and Basin Electric who refuse to do business with a black company but had a contract with the Dept. of Interior and the Dept. of Energy.

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being excluded right that all citizens of the United States shall have same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being excluded by the following department who said they had no jurisdiction Public Service Commission, Dept. of Energy, FERC, State of Wyoming, Attorney General for the State Wyoming, the U.S. Dept. of Justice and Dept. of Interior.

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being excluded by the

Dept. of Energy (WAPA) gave a white company Mr. Bill Young 307-379-2563 a Firm Transmission and refused to give Mr. Wilson Firm Transmission Service.

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being excluded by the following companies WAPA, Pacific Corp., Tri-State, and Basin Electric refuse to do business with a black owned company under PURPA Law of 1978, Title 43 Public Lands, Title VI Civil Rights Act, Executive Order 11,246 and Executive Order 11,063.

The District Court, Appeals Court and Justice Dept. failed to address why the Petitioner, Frank H. Wilson was being deprived his Constitution right when he report to the Justice Department that Mitsubishi had a copy of his business plan and refused to return it.

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being deprived his Constitution right under the Equal Protection when unable to get a contract.

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being excluded by Pacific Corp., Tri-State, WAPA, and Basin Electric Power refused to deal in this misuse of monopoly power.

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being deprived his constitution right when the General Land Office agent wanted him to get President Permit.

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being deprived federally secured rights...

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being deprived of his constitution right that no person shall... deny to any person within its jurisdiction the equal protection of the laws.

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being deprived of his constitution right that all person...shall have the same right... to the full and equal benefit of all laws.

The District Court and Appeals Court failed to address why the Petitioner, Frank H. Wilson was being deprived of his Constitution right when the Dept. of Energy and FERC order utility companies out of the State of California to sell to California and did nothing in his behalf.

REASONS FOR GRANTING THE WRIT

I. The Petitioner, Frank H. Wilson, deprived of his constitutional right that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in be Denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Thirteenth Amendment to prohibit discrimination against blacks in their ability to

"contract" on same basis as white citizens.

Aldinger v. Howard, 427 U.S. 1,3 (1976), or "because of the importance of the question presented and the conflict of opinion on the constitutional issue involved."

Sanson Hosiery Mills v. NLRB, 344U.S. 863 (1952); Arlington, Inc. v. Mayer, 339 U.S. 965 (1950);

Monrosa v. Carbon Black, Inc., 359 U.S. 180, 184 (1959): "While this Court decides questions of public importance.

Chief Justice Rehnquist has stated that " important factor is the perception of one or more Justices that the lower court decision may well have been an incorrect application of Supreme Court precedent."1.

Andrews v. Louisville & Nashville R. Co., U.S. 320 (1972); United States v. Rabinowitz, 339U.S. 56 (1950); Marchetti v. United States, 390U.S. 39,41 (1968), it was noted that certiorari had been granted "to reexamine the constitutionality".

Guarantees of the Fourteenth Amendment

Sec. 4(e) could be regarded as a reasonable means to secure non-discriminatory treatment by government in basic public services.

Sec. 5 it is a power "to enforce" or extend rights

---

1. W. Rehnquist, The Supreme Court 265 (1987).

The difficulties that summary affirmances pose for lower courts are illustrated by the Supreme Court's treatment in Fusani v. Steinberg, 419 U.S. 379, 388-89n. 15 (1975), of a district court's interpretation of the prior summary affirmance in Torres v. New York State Department of Labor, 405 U.S. 949 (1972). Although district court's reading of Torres was "plausible" the Supreme Court found tha"it is not one that we can endorse" since it would leave "little vitality" to an earlier Supreme Court decision (California Human Resource Dept. v. Java, 402 U.S.121 (1971) and concluded (419 U.S. at 388):

> **"By reading our summary affirmance in Torres at its broadest, the DistrictCourt heightened the tension between the judgment and our more considered disposition Java. A narrower interpretation of Torres would have been appropriate"**

Chief Justice Burger, observing that "some are quick to use the

[lower court's] opinion To define this Court's judgment" (419

U.S. at 391n*) (id. at 391-92):

> **"When we summarily affirm, without opinion, the judgment of a three-judge district court we affirm the judgment but not necessarily the reasoning by which it**

was reached. An unexplicated summary affirmance settles the issues for the parties,and is not to be read as a renunciation by this Court of doctrines previously announced in our opinions after full argument. Indeed, upon fuller consideration ofan issue under plenary review, the Court has not hesitated to discard a rule which aline of summary affirmance may appear to have established. E.g. Edelman v.Jordan, [415 U.S.671; Sniadach v. Family Finance Corp., 395U.S. 337,343-44 (1969) (Harlan.J., concurring);id. at 350 (Black, J. dissenting);Reynolds v. Sims, 377U.S. 533, 614 (1964) (Harlan, J.,dissenting)."

The Chief Justice further noted(ibid):

"Another common response to summary affirmance of three-judge-court judgments is confusion as to what they actually do mean."

Further uncertainty has been added by the Court's per curiam ruling in Mandel v. Bradley, 432U.S.173, 176 (1977), where summary affirmances and dismissals for want of a substance federal question were said "without doubt" (1) to reject the specific challenges presented in the statement of jurisdiction," (2) to "leave undisturbed the judgment appealed from," (3) to "prevent lower courts from coming to opposite conclusions on the precise issues presented and necessarily decided by those action," but (4) "should not be

understood as breaking new ground but as applying principle established by prior decision to the particular facts involved.'"

> **Judges of the state and federal systems are on notice that, before deciding a case on the authority of a summary disposition by this Court in another case, they must (a)examine the jurisdictional statement in the earlier case to certain that the constitutional questions presented were the same and if they were (b) determine that the judgment in fact rests upon decision of those questions and not even arguably upon some alternative non-constitutional ground. The judgment should not be interpreted as deciding the constitutional questions unless no other construction of the disposition is plausible."**

THE LOWER COURT JUDGES; IN OTHER WORDS, MUST INQUIRE INTO THE FACTUAL AND CONSTITUTIONAL BASE OF THE EARLIER DECISIONS SUMARILY APPROVED BY SUPREME COURT.

THE FACTUAL INFORMATION IS THAT PACIFIC CORP., BASIN ELECTRIC POWER, DEPARTMENT OF ENERGY WAPA, ANDTRI-STATE HAVE TRANSMISSION LINES ON FEDERAL LAND OR PUBLIC LAND. SEE APPENDIX E.

II. The Decision of the Court of Appeals Is Erroneous Continental T.V., Inc. v. GTE Sylvania, Inc., 433U.S. 36, 47-49 (1977), granted certiorari to resolve an important question of antitrust law.

Public utility companies are natural monopolies created by the economic force of high threshold capital requirements and virtually unlimited economy of scale. Refusals to Deal: The Supreme Court found illegal monopolization because Kodak had refused to deal in pursuance of a purpose to monopolize.

Sherman Act: Section1. address improperly restrictive agreements
Section2. examines the creation or misuse of monopoly power through wrongfully exclusionary means.

The District Court and Appeals Court failed to address this problem.

Federal Trade Commission Act: Section 5. Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce are hereby declared unlawful

The District Court and Appeals Court failed to address this problem.

Rothensies v. Electric Battery Co., 329 U.S. 296 (1946), or " the important of the decision to the utilization of the public lands.

The District Court and Appeals Court failed to address this problem.

Pacific Corp., Dept. of Energy (WAPA) , Basin Electric Power, and Tri-State have a Rights-Of-Way on federal land. It appear that they broke Federal Regulations Code 43.CFR27.1,3,5,&17.3

The District Court and Appeals Court failed to address this problem.

43CFR 27.3:

(2) Contracting practice. No recipient, contractor, or subcontractor to which this part applies may discriminate on the grounds of race, creed, color, national origin, or sex in its contracting practices, including but not limited to determining qualification for placement on bidder lists, composition of bidder lists, pre-bid conferences, solicitation for bids, designation of quantities, or other specifications, delivery schedules, contract award and performance, or any other contracting practice.

(vi) Deny an individual an opportunity to participate in any activity made possible, in whole or in part, because of any Federal authorization to which this part applies, through the provision of services or otherwise, afford him an opportunity to do so which is different from that afforded others.

The District Court and Appeals Court failed to address this problem.

43CFR27.5:

(ii) The contractor will comply with all rules, regulations, and orders of the Department of the

Interior which implement section 403 of Public Law 93-153.
The District Court and Appeals Court failed to address this problem.

43CFR17.3
Discrimination prohibited.

The Appeals Court failed to address discrimination problem.

United States v. Mitchell, 463 U.S. 206, 211 n. 7 (1983)

(issues of substantial importance concerning the

liability of the United States. Commissioner v.Standard

Life & Accident Ins. Co. 433 U.S. 148, 151 n. 5 (1977);

United States v. Zazove, 334, U.S. 602, 614-14 n. 17

(1948) (billions of dollars)

The District Court and Appeals Court failed to address

liability of the United States.

Dyer v. Sims, 341 U.S. 22, 28 (1951), (federal common

law's governing interstate controversies)"

The District Court and Appeals Court failed to address

interstate controversies...

It is my understanding that the Supreme Court will review federal rules that boost competition in providing electrical service by requiring utilities to give competitors equal access to their transmission lines.

(00-568 New York, et al. v. FERC and 00-809 Enron Marketing v. FERC)

The District Court and Appeals Court failed to address Whether a summary reversal is ordered or whether the case goes to argument and opinion depends upon the Court's initial inclination to reconsider its prior decisions. West Va. State Board of Education v. Barnette, 319 U.S.624 (1943); Spector Motor Service v. McLaughlin, 323 U.S. 101 (1944).A summary reversal, See Schweiker v. Hansen, 450 U.S. 785, 791 (1981); Wyrick v. Fields, 459 U.S. 42, 51 (1982)

Court of Appeals was without jurisdiction to address claim of electric distribution company arising Under 210 of PURPA, seeking relief based on small power

producing facility's selling gross output rather than net output, in violation of the FPA. 16 U.S.C.A.796 (17) (c) (ii)

FERC Regulation (PURPA 1978)

> **210(a) directs FERC... to promulgate... rules requiring utilities to offer to sell electricity to and purchase electricity from qualifying cogeneration and small power production facilities...**
>
> **210(e), 16U.S.C. 824a-3(a),(b),(d). The state PUC's are the required by 210(f), 16U.S.C. 824a-3(f) to implement the Commission's regulation. If a PUC fails to implement the regulations, the Commission may bring an Enforcement action against that PUC in federal district court.**

The District Court and Appeals Court failed to address.

18 C.F.R. 292.303-305, which require an electric utility to sell to a QF electricity for use in its operations at regulated tariff rates and to buy the QF output at the utility's "avoided cost"; PURPA 210(b) , 16U.S.C. 824a-3(b).

The District Court and Appeals Court failed to address.

In Order No. 69, adopting regulations for the implementation of PURPA, the Commission indicated that the ("simultaneous buy sell") rule would applicable to both qualifying small production facilities and qualifying cogeneration, and again noted that avoided cost rates would normally only be available for new capacity.

The Commission, in its brief to the United States Court of Appeals for the District of Columbia Circuit defending Order No. 69, also illustrated the validity of its simultaneous buy-sell rule with reference to a cogeneration example. American Electric Power Service Corp. et al. v. FERC, Docket No. 80-1789, May 15, 1981 brief at 52.

The District Court and Appeals Court failed to address problem. Open-Access Rule. In Order No. 888-A, the Commission explained that: A QF arrangement for the receipt of Real Power Loss Service or ancillary service from the transmission provider or third party for the purpose of completing a a transmission transaction is not a sale-for-resale

of power by a QF transmission customer that would violate our QF rules.

The District Court and Appeals Court failed to address this problem.

The Department of Energy and FERC ordered utilities to sell power to California in their power shortage. The Department of Energy and FERC did not order the Pacific Corp., WAPA, Tri-State, and Basin Electric to purchase power or transport power on my behalf. It appears that the Dept. of Energy and FERC did not follow the Federal Tort Claim Act.

The District Court and Appeals Court failed to address this problem.

III. The Question Presented Is Important

Pacific Corp., Basin Electric Power, Dept. of Energy WAPA, and Tri-State refused to give me a power purchase agreement or wheeling contract. I had out of state utilities who wanted to buy the power. The utilities gave out contracts to white owned companies. (Mr. Bill Young 307-379-2563). It appears that they broke the PURPA law of 1978, Title 43

Public lands, TitleVI Civil Right Act 1964, Executive Order 11,246 and Executive Order 11,063.

I wrote Mitsubishi and sent them a business plan. They refused to return the business. The District Court, Appeals Court and Justice Department fell to address this problem.

43CFR27.9-(1)

(1) A complaint to the Department of Justice to enforce any rights of the United States under any law of the United States or any assurance or other contractural undertaking. The Department of Justice failed to address this problem.

43CFR27.9-(d)

(d)Other means authorized by law. No action to effect compliance by any other means authorized by law shall be taken until (1) the action has been approved by the Secretary of Interior.

43CFR27.10-(3)

(3)The District Court, the Appeals Court and the Mandate denied me of counsel. I was denied my Constitutional Rights. (3)Right to Counsel. In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel or other authorized representative as provided in 43CFR part 1.

Rule 45. All process (MANDATES) of this Court issues in the name of the President of the United States. How can a Mandates be issues in the name of the President when he is one of the (RESPONDENT).

43CFR27.10 (2)

(2) Time and place of hearing. Hearing shall be conducted by the Office of Hearing and Appeals of the Department. Office of

Hearing and Appeals said they had no jurisdiction. See Jun 12, 2001 letter.

16 U.S.C.A.\ 796(17) (C) (ii); PURPA of 1978, 210, 210(h)

16 U.S.C.A.\ 824a-3, 824a-3(h).

The failure of a state public utility commission to ensure that a rate charged an electric utility by a cogeneration or small power producing facility does not exceed the utility's avoided cost is a failure to comply with a FERC regulation implementing the PURPA, which would ordinarily be challengedthrough an enforcement action brought in district court under PURPA.

Federal Power Act, \ 3(17)(C) (ii),PURPA of 1978 210.
16 U.S.C.A.796 (17) (C) (ii), 16 U.S.C.A. 824a-3.

Whether sale in excess of net output would deprive a facility of its QF status. 210 (a) direct FERC rules requiring utilities to offer to sell electricity to and purchase electricity from qualifying cogeneration and small power production facilities...

PURPA \ 210 (b), 16 U.S.C. \ 824a-3 (b)

Caps the total amount a utility may be required to pay for purchases from a QF as "Full Avoided Cost".

The Supreme Court has said that the core purpose of Title II is "to encourage the development of cogeneration and small power production facilities. FERC v. Mississippi, 456 U.S. at 750, 102 S.Ct. 2126. Many QF's ... have entered in contract which require or permit the sale of gross output 82 FERC at 61,419. The SupremeCourt has already held that the full avoided cost rule satisfies the requirements of 210 (b). See American Paper Inst., 461 U.S. at 415-17, 103 S.Ct. 1921. The United States Court of Appeals and District Court failed to address the question of discrimination which the District court addressed. Also they failed to address strike motion Rules 28(a) 1-9 and 11, except that none of the following need appear unless the appellee is dissatisfied with the appellant's statement:

(1) the jurisdictional statement;
(2) the statement of the issues;
(3) the statement of the case;
(4) the statement of the facts; and
(5) the statement of the standard of review.

I have been writing the Clerk of the Court. I told the clerk that Bonneville Power Administration CEO got a new job with Pacific Corp.. She wrote a letter to me saying that Pacific Corp. had a contract with the Department of Energy Bonneville Administration. This is one of the utilities that would not give me a power purchase agreement or a wheel contract. Pacific Corp. has been getting Federal money from the Department of Energy (BPA) buying out put of power from Wyoming. If relief is not granted I will be irreparably denied rights secured by Title VI of the Civil Rights Act of 1964, Title 43 Public Land, 42U.S.C. 1981 involving contract Rights, Federal Tort Claims, Sherman Act, Federal Trade Commission Act, Executive Order 11,246, Executive Order 11,063 and Constitutional Rights.

Question of relief or remedies

A. Money lost or back pay—See htt://www. Eeoc.gov/facts/ qunda.html

Wherefore, petitioner pray for judgement as follows:

A. Compensatory damages in the sum of $100 million.

1.(For each company (WAPA, BPA, Basin, Pacific Corp., MitsubishiTri-State), States(WYO. &TX) Federal government (Dept. of Energy BLM, OER, & FERC)

2.Money lost on a 30 years contract

B. Punitive damage in the sum of $900 million.

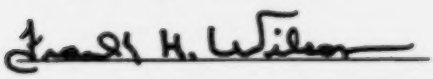
1.(For each company (WAPA, BPA, Basin, Pacific Corp., MitsubishiTri-State), States (WYO. & TX) Federal government (Dept. of Energy, BLM, OER, &FERC).

C. Such other relief as the court deems just, proper, and equitable.

CONCLUSION

This case involve great public interests Constitutional issues, the liability federal government, the right of individuals, discrimination, utilization of public lands, antitrust law, interstate controversies, Order No. 69 and Open-Access Rule because of the power shortage in the west. Wherefore, Petitioner, Frank H. Wilson, requests that this Supreme Court of the United States grant this petition for a Writ of Certiorari.

Respectfully submitted,



Date August 17, 2001

Frank H. Wilson
62 Thicket Street
Irvine, CA. 92614
949-786-4182

APPENDIX
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Appendix A Decision of District Court

Appendix B Decision of United States Court of Appeals District of Columbia Circuit

Appendix C Constitutional and Statutory Provisions involved

Appendix D Motion for Summary Reversal (Pacific Corp. & Texas)
See date on (Affidavit of Service)

Appendix E Right-of-Way on Public Lands Basin Electric, Tri-State, Pacific Corp., Dept.of Energy WAPA) Under Title 43-Public Lands

Appendix F Corporate disclosure statement

APPENDIX A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FRANK H.WILSON	)	
	)	
Plaintiff-Appellant,	)	
	)	Civil No. 00-1971 (TPJ)
v.	)	
	)	
PACIFIC CORP., et al.,	)	
	)	
Defendants-Appellees	)	
	)	

ORDER
(Filed Aug. 18, 2000)

Before Thomas Penfield Jackson
U.S. District Judge

This matter comes before the Court upon review of plaintiff's pro se complaint.Liberally construed, plaintiff's complaint—incoherent at many points—appears to allege that 27 defendants, including numerous public utility companies, private corporations, federal and state agencies, and state governors, have refused to assist him in obtaining a

"power agreement" and "wheel agreement," apparently in furtherance of power plants he was attempting to establish in Wyoming and Texas. Plaintiff alleges that these refusals were racially motivated and thus violated Title VI of the Civil Rights Act of 1964. The complaint indicates that plaintiff named as defendents every person to whom he wrote a letter or contacted by telephone and who did not respond or did not respond favorably.

The complaint fails to meet the minimal pleading requirements of Rule 8 of the Federal Rules of Civil Procedure.The Court has attempted to review plaintiff's complaint, Keeping in mind that complaints filed by pro se litigants are held to less stringent standards than formal pleadings drafted by lawyers. See Haines v. Kerner, 404 U.S. 519,520(1972). Even pro se litigants, however, must comply with the Federal Rules of Civil Precedure. Jarrell v. Tisch, 656 F. Supp. 237, 239 (D.D.C. 1987). Rule 8 (a) of the Federal Rules of Civil Procedure requires complaints to contain "a

short and plain Statement of the claim showing that the pleader is entitled to relief'. The purpose of the minimum standard of Rule 8 is to give fair notice to the defendants of the claim being asserted, sufficient to prepare a responsive answer, to prepare an adequate defense and to determine whether the doctrine of res judicanta applies. Brown v. Califano, 75F.R.D.497,498(D.D. C. 1977). Plaintiff's complaint fail to comply with the requirements of Rule 8.

Additionally, the complaint fails to state a claim upon which relief can be granted. Title VI, 42 U.S.C. \ 2000d, prohits programs receiving federal financial assistance from discriminating on the basis of race and is limited to intentional discrimination. See Tripp v. Long Island University, 48F. Supp. 2d220, 225 (E.D.N.Y. 1999) aff'd., 201 F.3d 432 (2d Cir. 1999). The rambling facts alleged by plaintiff, assuming they are true, fail to give rise to a plausible inference of intentional discrimination. According, pursuant to Fed. R. Civ. P.12 (b) (6), it is this 18th day of August 2000,

ORDERED, sua sponte, that plaintiff's complaints is dismissed without prejudice

Thomas Penfield Jackson

U.S. District Judge

APPENDIX B

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Frank H. Wilson Plaintiff-Appellant	))	
v.	)	00cv01971
	)	No.00-5323
Jerry Rust, el al., Defendants - Appellees	))	

ORDER
(Filed Feb. 23, 2001)

BEFORE: Sentelle, Henderson, & Rogers, Circuit Judges

Upon consideration of the motion for appointment of counsel; the motion for summary reversal, the supplements thereof, and the oppositions; the motion of the federal appellees for summary affirmance; the motion of the State of Wyoming appellees for summary affirmance; the motion of Pacific Corp, et al., for summary affirmance; the motion of Pacific, et al., to dismiss; and the motion of Basin Electric Power **Cooperative**, et al., to dismiss, it is

ORDERED that the motion for appointment of counsel be denied. With the exception of defendants

appealing or defending in criminal cases, appellants are not entitled to appointment of counsel when they have not demonstrated any likelihood of success on the merits. It is

FURTHER ORDERED that the motion of Basin Electric Power Cooperative, et al., to dismiss be denied. Where an order dismissing a case without prejudice effectively ends the district court's consideration of the suit the order is final for purposes of appeal See, e.g., United States v. Wallace & Tieman Co., 336 U.S. 793, 794-795, n.3 (1949). It is

FURTHER ORDERED that the motions for summary affirmance be granted and the motion for summary reversal be denied. The merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam) ; Walker v. Washington, 627 F.2d541, 545 (D.C. Cir.) (per curiam), cert. denied, 449 U.S. 994 (1980). The district court correctly dismissed without prejudice the suit against the federal appellees, the State of

Wyoming appellees, Basin Electric Power Cooperative and Ted Humann, as well as all State of Texas appellees, Mitsubishi Corporation, and Tri-State Generation and Transmission ssociation, Inc. for failure to meet the minimal standards of Fed. R. Civ. P. 8(a) and for failure to state a claim upon which relief can be granted. See Fed. R. Civ. P. 12 (b)

(6). The district court lacked personal jurisdiction over Pacific Corp., Jerry Rust, Rod Taylor, and Harry Whitney.

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41 (b); D.C. Cir. Rule 41.

Per Curiam

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Frank H.Wilson	)	
Plaintiff- Appellant	)	
	)	
v.	)	00cv01971
	)	No.00-5323
Jerry Rust, et al.,	)	
Defendants-Appellees	)	

ORDER
(Filed Apr. 10, 2001)

BEFORE: Sentelle, Henderson, & Rogers, Circuit Judges

Upon consideration of appellant's petition for rehearing filed March 5, 2001, it is

ORDERED that the petition be denied

Per Curiam

For the Court:
Mark J. Langer, Clerk
By: Robert A. Bonner
Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Frank H. Wilson Plaintiff- Appellant	)	
v.	)	00cv01971 No.00-5323
Jerry Rust, el al., Defendants-Appellees	)	

MANDATE ORDER
(Filed APRIL 24, 2001)

BEFORE: SENTELLE, HENDERSON, & ROGERS, Circuit Judges

Upon consideration of the motion for appointment of counsel; the motion for summary reversal, the supplements thereto, and the oppositions; the motion of the federal appellees for summary affirmance; the motion of the State of Wyoming appellees for summary affirmance; the motion of Pacific Corp, et al., for summary affirmance; the motion of Pacific Corp., et al., to dismiss; and the motion of Basin Electric Power Cooperative, et al., to dismiss, it is

ORDERED that the motion for appointment of counsel be denied. With the exception of defendants appealing or defending in criminal cases, appellants are not entitled to appointment of counsel when they have not demonstrated any likelihood of success on the merits. It is **FURTHER ORDERED** that the motion of Basin Electric Power Cooperative, etal., to dismiss be denied. Where an order dismissing a case without prejudice effectively ends the district court's consideration of the suit, the order is final for purposes of appeal. See, e.g., United States v. Wallace & Tieman Co., 336 U.S. 793, 794-795, n.3 (1949).

It is

FURTHER ORDERED that the motions for summary affirmance be granted and the motion for summary reversal be denied. The merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294 (D.D.Cir. 1987) (per curiam); Walker v. Washington, 627 F.2d.541, 545

(D.D.Cir) (per curiam), cert denied, 449 U.S.994 (1980). The district court correctly dismissed without prejudice the suit against the federal appellee, the State of Wyoming appellees, Basin Electric Power Cooperative and Ted Humann, as well as all State of Texas appellees, Mitsubishi Corporation and Tri-State Generation and Transmission Association, Inc. for failure to meet the minimal standards of Fed. R. Civ. P. 8 (a) and For failure to state a claim upon which relief can be granted. See Fed.R. Civ. P. 12 (b)(6).The district court lacked personal jurisdiction over Pacific Corp., Jerry Rust, Rod Taylor

and Harry Whitney.

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed.R. App.P. 41 (b); D.C. Cir. Rule 41

Per Curiam

Issued by: Dorothy Barrack

UNITED STATES COURT OF APPEALS
THE DISTRICT OF COLUMBIA CIRCUIT

Frank H. Wilson	)	
Plantiff-Appellant	)	
	)	
v.	)	00cv01971
	)	No.00-5323
Jerry Rust, el al.,	)	
Defendants-Appellees	)	

ORDER
(Filed June 14, 2001)

BEFORE: Sentelle, Henderson, & Rogers, Circuit Judge

Upon consideration of appellant's petition for rehearing filed on May 7, 2001, it is

ORDERED that the petition be denied. This is appellant's second petition for rehearing in this case. This court summary affirmed the district court's order on February 23, 2001. The court denied rehearing on April 10, 2001. Accordingly, the Clerk is directed to accept no further filings in this closed case.

Per Curiam

FOR THE COURT
Mark J. Langer, Clerk
By:
Robert A. Bonner
Deputy Clerk

APPENDIX C

STATUTES AND RULES

42 U.S.C. 1981 EQUAL RIGHTS UNDER THE LAW.p. 4 & 5

(a) The constitutionality of section 1981 has been sustained under both the thirteenth and fourteenth amendments.

42 U.S.C. 1981.....p. 4 & 5

"All persons...shall have the same right...to the full and equal benefit of all laws..."

VIOLATIONS INVOLING CONTRACT RIGHTS...p. 4 & 5

[ ] the denial of a contract right or opportunity because of race

[ ] the refusal to extend the same contractual opportunity to plaintiff as is

offered to white;

[ ] the refusal to allow plaintiff to enter into a contract with defendant on the

basic of race;

[ ] the failure to offer services on an equal basis to whites and nonwhite

42U.S.C. 1982 PROPERTY RIGHTS OF CITIZENS.p. 9 & 10

(a) The constitutionality of section 1982 has been sustained under both the thirteenth and fourteenth amendments.

42 U.S.C. 1982.....p. 9 & 10

"All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property"

42 U.S.C. 1983 THE DENIAL OR TERMINATION OF GOVERNMENT BENEFITS OR SERVICE.....p. 9 & 10

[ ] he is a United States citizen or a person within the jurisdiction of the United States;

[ ] his participation in specified government benefit programs or government services has either denied or terminated;

[ ] this denial or termination has deprived him of his right to equal protection or due process as guaranteed by the fourteenth amendment, or it has deprived him of a federal statutory right.

42 U.S.C. 1981-1983, 1985.....p. 4 & 5

Punitive damage actions under the Reconstruction civil rights statutes

42U.S.C. 1985.....p. 4 & 5

If two or more persons in any State conspire for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws.

42 U.S.C. 3789 (Supp. III 1979).....p. 4 & 5

Prohibiting discrimination by recipients of federal assistance without expressly creating a private right of action on behalf of persons injured by a violation. (Justice System Improvement Act of 1979)

49 U.S.C.A. 306(b) provides:.....p. 4 & 5

> **" A person in the United States may not be excluded from participation in, be denied the benefits of, or be subject to discrimination under a project, program, or activity because of race, color, national origin, or sex when any part of the project, program, or activity is financed through financial assistance."**

42 U.S.C.A. 2000d.....p. 4 & 5

> **Prohibition against exclusion from participation in, denial of benefits of, and discrimination under Federally assisted programs on ground of race, color, or national origin.**

42U.S.C.A. 2000d-1.....p.4 & 5

> **Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action.**

42U.S.C.A. 2000d-7 .....p. 4 & 5

> **Civil rights remedies equalization**

42U.S.C.A. 2000a.....p. 4 & 5

> **Prohibition against discrimination or segregation in places of public accommodation-Equal access**

42U.S.C.A. 1981...Equal rights under the law.....p. 9 & 10

42U.S.C.A. 1982...Property rights of citizens.....p. 9 & 10

42U.S.C.A. 1983...Civil action for deprivation of rights.....p. 9 & 10

42U.S.C.A. 1985...Conspiracy to interfere with civil rights.....p. 4 & 5

43CFR27.1 Purpose:.....p. 4 & 5

No person shall on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right of way, and public land order.

> **Title 43—Public Lands: Interior, Part 27—Nondiscrimination in Activities conducted under Permits, And Rights-Of-Way.**

43CFR27.3 Discrimination prohibited.....p.4 & 5

(2) Contracting practices. No recipient, contractor, or subcontractor to which this part applies may discriminate on the grounds subcontractor to which this part applies may discriminate on the grounds of race, creed, color, national origin, or sex in its contracting practices, including but not limited to, determining qualification for placement on bidder lists, composition of bidder lists, pre-bid conferences, solicitation for bids, designation of quantities, or other specification, delivery schedules, contract award and performance, or any other contracting practice.

(i)Deny an individual any service, financial aid or other benefit provided, in whole or in part, because of any federal authorization to which this part applies;

(vi) Deny an individual an opportunity to participate in any activity made possible, in whole or in part, because of any Federal authorization to which this part applies, through the provision of services or otherwise, or afford him an opportunity to do so which is different from that afforded others.

43CFR27.5 Equal opportunity terms…..p. 4 & 5

(a) The recipient hereby agrees that it will not, directly or through contractual or other arrangements, on the grounds of race, creed, color, national origin, or sex, discriminate against any individual or establishment in offering or providing contracts, employment, services, financial aids, or other benefits. Recipient will take affirmative action to utilize minority business enterprises in the performance of contracts awarded by recipient, to assure that applicants for employment are employed and that employees are treated during employment, and that individuals are offered and provided services, financial aids, and other benefits without regard to their race, creed, color, national origin, or sex.

(ii) The contractor will comply with all rules, regulations, and orders of the Department of the Interior which implement section 403 of Public Law 93-153.

43CFR27.6 Equal opportunity implementation…..p. 4 & 5

(4) Submit periodic reports of contracting opportunities, procedures, and awards to minority business enterprises, at such times, and in such form, and containing such information as the Department Compliance Officer may prescribe, including reports.

43CFR27.7 Compliance information…..p. 4 & 5

(a) Records, reports and access to books. Each recipient, contractor, or subcontractor to which this part applies, shall keep such records and submit to the Department Compliance Officer complete and accurate reports, at such times, and in such form, and containing such information.

43CFR27.8 Compliance information…..p. 4 & 5

(a) Approval of affirmative action plans. The Department Compliance Officer shall from time to time review the recipient's, contractor's or subcontractor's affirmative action plans to determine whether they meet the requirements of rules, regulations and orders implementing section 403 of Public Law 93-153.

43CFR27.9 Procedures for effecting compliance…..p. 4 & 5

(a) If there appears to be a failure or refusal of any recipient, contractor, or subcontractor to observe comply substantially with section 403 of Public Law 93-153.

(1) A reference to the Department of Justice with a recommendation that appropriate proceeding be brought to enforce any rights of the United States under any law of the United States.

43CFR27.13Effect on other regulations; forms and instructions…..p.4 & 5

(1)Executive Order 11,246…..p. 4 & 5

(2)Executive Order 11,063…..p.4 & 5

(3)Regulations to effectuate title VI of the Civil Rights Act of 1964…..p.4 & 5

43CFR17.3 Discrimination prohibited…..p.4 & 5

(a) No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

15U.S.C.A. 1-7, The Sherman Antitrust Act of 1890…..p. 4 & 5

Section 1.address improperly restrictive agreements

Section 2.examines the creation or misuse of monopoly power through wrongfully exclusionary means.

15U.S.C.A. 45, The Federal Trade Commission Act of 1914 (as amended in 1938 and 1975)

Section 5.unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce are hereby declared unlawful. .....p.4 & 5

16U.S.C. 824a-3(b).....p.4, 5 & 17
PURPA 210(b), caps the total amount a utility may be required to pay for purchases from
QF a "incremental cost" also called the "full avoided cost"

16U.S.C. 824a- 3(a).....p. 4, 5 & 17
PURPA210(a), directs FERC.... To promulgate....rules requiring utilities of offer to sell electricity to, and purchase electricity from, qualifying cogeneration and small power production facilities...

16U.S.C. 824a-3(f).....p. 4, 5 & 17
state PUCs are then required to implement the Commission's regulation.

If a PUC fails to implement the regulations, the Commission may bring an enforcement action against that PUC in federal district court.

18C.F.R. 292.304 (1997) provides for rates for QF sales to utilities.....p.17

18C.F.R. 292.305 (1997) provides for rates for utility sales to QF's.....p.17

OTHER

Order No. 888, 61 Fed. Reg. 21,540 (1996) Open Access Non-Discriminatory.....p. 18

Order No. 888B, 81 FERC 61,248 (1997) (Open Access Rules).....p.18

Order No. 69 Buy-sell rule reference to cogeneration .....p.18 & 19

APPENDIX D

United States Court of Appeals
District of Columbia Circuit
Washington, D.C. 20001-2866

10/5/00

USCA No. 0-5323 Caption: Wilson vs. Rust

Dear Mr. Wilson:

Your recent submission has been received. It has been processed as indicated below.

[ ] The submission has been filed as a Motion for Leave to File a Petition for Writ of Mandamus *in forma pauperis* (without payment of the filing fee). The Motion for Leave and the lodged petition have been referred to a panel of the court for decision.

[ ] The submission has been filed as a Petition for Writ of Mandamus and referred to a panel of the court for decision.

[ ] The Submission has been filed as a Motion for Leave to Proceed on Appeal *in forma pauperis* (without payment of the docketing fee). This motion has been referred to a panel of the court for decision.

[ ] This submission has been filed as a Motion for Appointment of Counsel. It has been referred to a panel of the court for decision.

[X] Other Submissions: Pleading (letter) received 1-/5/00. Filed as motion for Summary Reversal.

You will be promptly advised when the court issues its decision. For this reason it is essential you keep this office advised of any change of address.

PLEASE USE THE ABOVE DOCKET NUMBER AND CAPTION ON ALL FUTURE SUBMISSIONS. This allows for more expeditious processing.

Very truly yours,
Mark J. Langer, Clerk
By: John T. Haley
Deputy Clerk

United States Court of Appeals
For the District of Columbia Circuit

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
FILED OCT. 5, 2000
CLERK

Mr. Mark J. Langer
Clerk of Court
United States District Court
For the District of Columbia
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: Wilson v. Pacific Corp, et al.
No. 00-5323
Case No. 1:00cv01971
Deck Type: Pro-Se

APPELLANT'S PRO SE MOTION FOR SUMMARY REVERSAL
(SUBMITTED IN LETTER FORMAT)

Dear Mr. Langer,

Pacific Corp failed to answer the complaint which was served upon them, within 20 days. Judgement by default will be taken against Pacific Corp for the relief demanded in the complaint as a result of not responding within 20 days. I have documentation that is was signed on Aug. 31, 2000 for Mr.

Harry Whiteny, and Mr. Jerry Rust, Mr. Rod Taylor was signed for on Aug. 25, 2000.

Pacific Corp. is in default failing to answer to the complaint.

I am asking the court clerk to look at the following:

[ ] Affidavit of Service and look at the date signed

[ ] Please let the Judge know about the default

Mr. Ralph A. Taylor counsel for Pacific Corp. received the complaint on September 4, 2000. (This statement is false…September 4, 2000…Holiday). Mr. Ralph A. Taylor called me wanting an extension of time a day before the deadline. He waited until September 21, 2000 to write the court about his problem. I do not know when the court received his letter. (At that time it was in default).

Yours truly,

Frank H. Wilson

Frank H. Wilson

cc: courtesy copy for the Judge
Mr. Ralph A. Taylor
Ms. Linda Popejoy

United States Court of Appeals
For the District of Columbia Circuit

Plaintiff
FRANK H. WILSON
62 THICKET STREET
IRVINE, CALIF. 92614
949-786-4182

CASE NUMBER 1:00CV01971
DESK TYPE: PRO SE
NO. 00-5323

V

Defendant
PACIFIC CORP. INC.
JERRY RUST,et al.

MOTION OF PACIFIC CORP., FOR EXTENSION OF TIME

Pacific Corp. failed to answer the complaint which was served upon them. Within 20 days judgment by default will be taken against Pacific Corp., for the relief demanded in the complaint as a result of not responding within 20 days. I have documentation that it was signed on Aug. 31, 2000 for Mr. Harry Whiteny, and Mr. Jerry Rust. Mr. Rod Taylor was signed for on Aug. 25, 2000.

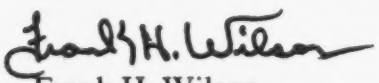
Pacific Corp. is in default failing to answer the complaint. I am asking the court to look at the following:

[] Affidavit of Service and look at the date signed

[] Please let the Judge know about the default

Mr. Ralph A. Taylor counsel for Pacific Corp, stated that Pacific Corp. received the complaint on September 4, 2000. (This statement is false…September 4, 2000…Holiday). Mr. Ralph A Taylor called me wanting an extension of time a day before the deadline. He waited until September 21, 2000 to write the court about his problem. I do not know when the court received his letter. (At that time it was in default)

Respectfully submitted,



Frank H. Wilson
62 Thicket Street
Irvine, CA 92614
949-786-4182

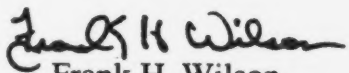
Dated: September 30, 2000

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2000, a copy of the Plaintiff telling that Pacific Corp. failed to answer the complaint which was served upon them within 20 days. It was mailed first-class, Postage prepaid to:

Ms. Linda Popejoy
Mr. Ralph A. Taylor
Dorsey & Whitney LLP
1002 Pennsylvania Ave., N.W.
Suite 300 South
Washington, D.C. 210004

Mr. Mark J. Langer
Clerk of Court
United States District Court
For the District of Columbia
333 Constitution Avenue, N.W.
Washington, D.C. 20001



Frank H. Wilson
62 Thicket St.
Irvine, CA 92614
949-786-4182
fax 949-559-9443

APPENDIX E

United States Department of the Interior

BUREAN OF LAND MANAGEMENT
Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1825

In Reply Refer To:
1278 (957)
FOIA WY-2001-46

July 3, 2001

Mr. Frank H. Wilson
62 Thicket Street
Irvine, CA 92614

Dear Mr. Wilson:

This is in response to your June 12, 2001, Freedom of Information Act (FOIA) request addressed to the Bureau of Land Management (BLM) in Washington, D.C. Your request was transferred to our office for reply. You have requested information regarding transmission lines of Pacific Corp., Basin Electric Power, and Tri-State in the State of Wyoming.

The BLM issues "rights-of-way" to companies regarding transmission lines. These are land use authorizations which are issued for a specific term, and have an associated "rental fee."

We are enclosing reports from our Land and Minerals Record data base, LR2000. These reports list the serial numbers for the rights-of-way held or previously held by the three companies listed in paragraph one.

The BLM has established a web site from which the public may now view, print, and download information from our LR2000 data base. The website is found at www.blm.gov/lr2000. We are enclosing a news release with general information about this website.

We suggest that you access the LR2000 data base to retrieve additional and specific information about each of the rights-of-way. It is also possible for you to print the serial register pages for each right-of-way. We have enclosed additional information, "Introduction to the Reporting Database," which provides detailed information on accessing the LR2000 data base. Should you prefer personalized assistance, please call Kathy Mastin of our office at 307-775-6198.

If you are unable to access the internet, and wish for us to provide paper copies of serial register pages or other LR2000 data, please contact us. Normal fees for serial pages are $0.75 per page; other reports are 13 cents per page.

The fees incurred in responding to your request are minimal and have, therefore been waived.

If you have any questions. at this time regarding this response, please feel free to contact Susan Bennett, Records Management Specialist, at 307-775-6131.

Sincerely,

Alan R. Pierson
State Director

3 attachments:
1 – LR 2000 Customer Information Index Reports (1 p.)
2 – BLM News Release (8 pp.)
3 – Introduction to the Reporting Database (46 pp.)

APPENDIX F

No._____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2001

FRANK H. WILSON—Petitioner, pro se

Vs

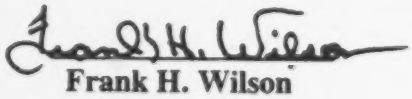
JERRY RUST, el al. – Respondent (s)

Rule 33. CORPORATE DISCLOSURE STATEMENT

Petitioner, Frank H. Wilson, states that Wilson-7 Energy Company is minority owned.

Dated: August 17, 2001

Respectfully submit



Frank H. Wilson
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